IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Crl.MC.No. 4028 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA..5214/2006 Dated 29/08/2006
CRIME NO. 71/06 OF RAMAMANGALAM POLICE STATION)

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PETITIONER: ACCUSED

SAJI, AGED 38,
S/O.ABRAHAM, KALLINGAL VEEDU, CHETTIKANDAM
BHAGOM, PAMPAKKUDA KARA, MEMMURY VILLAGE.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING THE CIRCLE INSPECTOR OF
POLICE, PUTHENCRUZ POLICE STATION).

BY PUBLIC PROSECUTORSRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4028 of 2006

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Dated this the 1st day of January, 2007

O R D E R

The petitioner faces allegations under Sections 449 and 302 I.P.C., he having allegedly committed fratricide on 10.6.2006. He was arrested and was enlarged on bail as per order dt. 29.8.2006 passed by another Bench of this Court. The grant of bail was subject to conditions and condition (b) is that he should not enter the jurisdiction of Ramamangalam police station until the final trial and disposal of the sessions case.

2. The learned counsel for the petitioner submits that the petitioner has been complying with the conditions scrupulously for the past more than four months. The said condition may now be deleted, it is prayed.

3. The learned Prosecutor opposes the application vehemently. He submits that the principal witness is none other than the mother of the deceased as well as the petitioner herein. The mother of the deceased was earlier attacked by the petitioner. Relaxation of the condition would necessarily result in threat and intimidation against

the mother of the petitioner. In these circumstances it is prayed that the condition may not be deleted.

4. I have considered all the relevant inputs. The charge sheet has not been filed yet. The learned Public Prosecutor submits that the charge sheet shall be filed shortly and the report of the Chemical Examiner is awaited.

5. Having considered all the relevant inputs I am satisfied that it is too early to delete the conditions altogether. In the circumstances of the case continuance of the said condition appears to be necessary and wholesome.

6. This Crl.M.C. is hence dismissed. I may however hasten to observe that the petitioner shall be at liberty to move this Court for relaxation of the said condition after the filing of the charge sheet or after the elapse of three months from this date, whichever is earlier.

(R. BASANT)
Judge

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